

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Customer No:** 000027777                      **Confirmation No.** 8228  
**Applicant(s):** Jean Beaupre                      **Atty Docket No.** END0778US  
**Serial No.:** 09/909,557                      **Art Unit:** 3733  
**Filed:** July 20, 2001                      **Examiner:** Pedro Philogene  
**For:** **CURVED ULTRASONIC END EFFECTOR**

I hereby certify that this correspondence is being transmitted via  
The Office electronic filing system in accordance with 37 CFR 1.6(a)(4)

May 29, 2007  
(Date of Transmission)

Verne E. Kreger, Jr.  
(Name of applicant, assignee, or Registered Representative)

Verne E. Kreger, Jr., Reg. #35231/  
Verne E. Kreger, Jr.

(Signature)  
May 29, 2007  
(Date of Signature)

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria VA 22313-1450**

**TERMINAL DISCLAIMER UNDER 37 CFR 1.321(b)**

Dear Sir:

Your Petitioner, Ethicon Endo-Surgery, Inc., a corporation of the State of Ohio, having a registered office at 4545 Creek Road, Cincinnati, Ohio 45242, certifies that it is the Assignee of the entire right, title and interest in and to the subject matter disclosed in the above-captioned patent application, which is a is a continuation of U.S. patent application serial no. 09/106,415 filed on June 29, 1998, now U.S. Patent No. 6,309,400. Ethicon Endo-Surgery, Inc. is the owner of U.S. Patent Application Serial No. 09/909,557, as evidenced by the documents recorded in the United States Patent and Trademark Office at reel/frame number 009299/0177.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

Your Petitioner, Ethicon Endo-Surgery, Inc. hereby disclaims, under the provisions of 35 USC 253, the terminal part of claims of any patent granted on application Serial No. 09/909,557

which would extend beyond the expiration date of United States Patent Nos. 6,309,400, 6,328,751 and 6,436,115 and hereby agrees that claims of any patent so granted on application Serial No. 09/909,557 shall be enforceable only for and during such period that the legal title of said patent shall be the same as the legal title to United States Patent Nos. 6,309,400; 6,328,751 and 6,436,115, this agreement to run with any patent granted on application Serial No. 09/909,557 and to be binding upon the grantee, its successors or assigns.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Terminal Disclaimer fee of \$130.00 and any additional fees, which may be owed in connection with the filing of this Terminal Disclaimer will be charged to Johnson & Johnson Deposit Account via The Office EFS-Web.

Signed at Cincinnati, Ohio this 29th day of May 2007.

Respectfully submitted,  
Ethicon Endo-Surgery, Inc.

/Verne E. Kreger, Jr., Reg. #35231/  
Verne E. Kreger, Jr.

Verne E. Kreger, Jr.  
Vice President Patent Law  
Ethicon Endo-Surgery, Inc.

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(513) 337-3295  
Date: May 29, 2007